

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON,
AT SEATTLE

FLETCHER ENTERPRISES, INC.,

Plaintiff,

vs.

WEST AMERICAN INSURANCE
COMPANY,

Defendant.

Cause No. 2:24-cv-1693

NOTICE OF REMOVAL

TO: Clerk, U.S. District Court for the Western District of Washington;

AND TO: Plaintiff, by and through their attorney of record.

PLEASE TAKE NOTICE that Defendant West American Insurance Company (“West American”) hereby removes to this Court the state court action described below on the grounds stated herein.

1. On or about September 12, 2024, Plaintiff Fletcher Enterprises, Inc. (“Fletcher”) filed a civil action in the Superior Court of the State of Washington for King County, which was assigned cause number 24-2-20720-1. Copies of the Summons and the Complaint are attached hereto as **Exhibit A**.

2. West American was served the Complaint and Summons via the Insurance Commissioner on or about September 16, 2024.

I. PARTIES

3. In the Complaint, Plaintiff allege that they are a Washington corporation with principle place of business in King County, Washington, and that West American is an insurance company doing business in Washington.

4. Defendant West American is an Indiana corporation with principle place of business in Massachusetts.

II. AMOUNT IN CONTROVERSY

5. In the Complaint, Plaintiff alleges they had a commercial liability insurance policy issued by West American. Plaintiff further alleges that West American improperly denied coverage for an underlying lawsuit against Plaintiff before reversing course. Plaintiff's complaint alleges causes of action against West American for breach of contract, insurance bad faith, violation of the Washington Consumer Protection Act ("CPA") and violation of the Insurance Fair Conduct Act ("IFCA").

6. In the Complaint, Plaintiff alleges that, as a result of West American's denial and reversal, Plaintiff paid attorney fees totaling \$5,995.84. Plaintiff also alleges they received an adverse ruling in arbitration totaling \$66,169.79, for total underlying alleged damages of at least \$72,165.63.

7. Plaintiff's Complaint pleads a claims under IFCA and CPA, and seeks treble and increased damages under the statutes.

8. Plaintiff's Complaint also seeks an award of attorney fees in an unspecified amount.

10. For purposes of determining jurisdiction under 28 U.S.C. § 1332, Plaintiff is a corporation of the state of Washington. Defendant West American is a corporation of the States of Indiana and Massachusetts. As such, there is complete diversity of citizenship between Plaintiff and Defendant.

12. This Court, therefore, has jurisdiction pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441.

IV. TIMELINESS

15. This Notice of Removal, filed on October 16, 2024, is timely under 28 U.S.C. § 1446.

16. In accordance with 28 U.S.C. § 1446(a) West American will file with this Court copies of all pleadings on file in the state court proceeding.

CERTIFICATE OF SERVICE

I am employed in the County of King, State of Washington. I am over the age of 18 and not a party to the within action; my business address is SOHA & LANG, PS, 1325 Fourth Avenue, Suite 940, Seattle, WA 98101-2509.

On this day, I served a true and correct copy of NOTICE OF REMOVAL on parties in this action via CM/ECF Notification:

Franklin D. Cordell
Miles C. Bludorn
Gordon Tilden Thomas & Cordell LLP
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Seattle, WA 98101
Email: fcordell@gordontilden.com
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Dated this 16th day of October, 2024

s/Angela Murray

Angela Murray
Legal Assistant